

25832. Adulteration and misbranding of Novol Anestubes. U. S. v. 4 Boxes of Novol Anestubes, and other libel proceedings against the same article. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 36119, 36120, 36122, 36123, 36124. Sample nos. 31041-B, 31042-B, 31044-B, 31045-B, 31046-B.)

These cases involved Novol Anestubes (procaine epinephrine solution) which contained smaller amounts of procaine than declared on the label.

On August 12 and 13, 1935, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 14 boxes of Novol Anestubes No. 1, 10 boxes of Novol Anestubes No. 2, and 4 boxes of Novol Anestubes No. 3 at Scranton, Pa., alleging that the articles had been shipped in interstate commerce, between the dates of August 3, 1934, and July 5, 1935, by the Novocol Chemical Manufacturing Co., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The libels alleged that the articles were adulterated in that their strength fell below the standard and quality under which they were sold, viz, (portion) "Each cc contains procaine 0.02 gram"; (remainder) "Each cc contains procaine (Novol) 0.02 gram", a sample taken from each of the five shipments having been found to contain 1.81, 1.68, 1.89, 1.67, and 1.37 grams of procaine hydrochloride, respectively, per 100 cubic centimeters.

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Carton of portion, top) "Each Anestube Approximately 2.5 cc Each cc contains (Novol) 0.02 gm.", (end) "2.5 cc", (circular of said portion) "Each cc contains—Procaine 0.02 gram"; (carton of remainder, top) "Each Anestube approximately 2 cc Each cc contains Procaine (Novol) 0.02 gm", (end) "2 cc", (circular) "Each cc contains Procaine 0.02 gram."

On March 16, 1936, the Novocol Chemical Manufacturing Co., claimant, having by petition and order of the court withdrawn its answers theretofore filed, judgments of condemnation were entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25833. Misbranding of Congoin. U. S. v. 696 Packages, et al., of Congoin. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 36134, 36135, 36136. Sample nos. 15559-B, 15560-B, 32082-B, 32083-B, 32084-B.)

The labeling of this article bore false and fraudulent curative and therapeutic claims. The labeling of the 10-cent packages also contained misrepresentations as to its ingredients.

On August 16, 1935, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,463 12-ounce packages, 2,759 6-ounce packages, 5,183 3-ounce packages, and 1,376 dozen 10-cent packages of Congoin at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 19 and 20, 1935, by the Congoin Co., from Los Angeles, Calif., to Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Examination of the article showed that it consisted of the leaves of yerba maté, a caffeine-bearing plant.

Misbranding of the article in the 10-cent packages was charged in that the following statements on the envelope and in a circular within the envelope were false and misleading: (Envelope) "Congoin contains virtually all of the necessary organic minerals including calcium, phosphorus, sulphur, iron, magnesium, silica, and the others; it is also rich in chlorophyl and other important elements"; (circular) "It contains an infinitesimal amount of tannin when compared with tea; has less than one-fourtieth the essential oil found in coffee; green and black tea containing over 500 times as much essential oil as does Congoin. Congoin is rich in chlorophyl (the aid to red blood building) and analyses show it contains most of the essential minerals so heartily endorsed by modern medical science. * * * virtually every one of the necessary Organic minerals, including Calcium, Phosphorus, Sulphur, Magnesium, Manganese, Potassium, Iron, Sodium, Silica, Copper and the other rarer minerals are found in this palatable beverage."

Misbranding was charged with respect to the product in packages of all sizes for the reason that certain statements appearing on the envelopes and cartons in circulars shipped with the article falsely and fraudulently repre-

sented that it would stimulate and sooth, refresh and invigorate, insure sound and restful sleep, relieve distress after eating; that it was a vital necessity and was used extensively in hospitals and sanitariums; that it possessed health-giving properties; that it was the only stimulating beverage known that does not increase heart palpitation, create insomnia, nervousness, nor have any ill effect on the human system whatsoever; that it was beneficial to pregnant women and nursing mothers and to small children; that it would stimulate torpid nutrition and activate the bodily functions, induce a sense of well-being and increased intellectual lucidity and vigor; that it contained vitamins A, B, D, and E; that it was invaluable to everyone, but especially those who have heavy mental strain, nerve irritation, depression, the blues, acid stomach, neuritis, rheumatism, headache, constipation, indigestion, etc.; that it would maintain life, in the absence of other food, and would uphold it longer than any other substance; that it would stimulate the psychological function and the mind and that its use would not be followed by fatigue; that it would facilitate the function of the bowels and bladder, and that it was productive of virile vigor; that it was effective in cases of dyspepsia and other afflictions where tea and coffee are prejudicial; that it would lift the spirits, keep the muscular system in good condition, increase strength, make hardships more bearable; that it was a powerful brain stimulant with no after reaction; that it would produce enormous reserve force and power of endurance; that it was a solvent which would eliminate uric acid; that it was a perfect preventive for common ills; would directly feed the nervous system; that it was effective for stomach trouble; that it would tone up the system, dispel hunger, and release subconscious strength; that absolutely alone it would support life for weeks; that it would cause great activity of the peristaltic movements of the intestines, as well as a beneficial excitation of the gastric mucosa; that it would correct overeating and malnutrition; that it was the most nourishing and invigorating nervine so far known; that it would excite muscular strength, increase the action of the lungs and produce a feeling of well-being, of energy and mental lucidity; that it was a wonderful builder of the human system; that it would regulate fermentation in the digestive organs and increase assimilation, marvelously balancing the organic vigor of man; that it was a stomachic, laxative, and diuretic; that it would stimulate torpid digestion and speed up the organic functions; that it was a valuable aid or adjunct to any treatment or diet; that it would produce a healthier, heartier race; that it was endorsed by world authorities as of value in ailments due to mineral deficiencies or glandular disturbances such as obesity, blood disorders, rheumatism, asthma, stomach trouble, goiter, constipation, anemia, low vitality, nervousness, female disorders, pyorrhea, etc.; that it would eliminate fatness prejudicial to the beauty of the form; that it was effective for the anemic and underweight; and would aid digestion and assimilation.

On May 4 and June 24, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25834. Misbranding of An-Idin and Andre Stainless Iodine. U. S. v. 27 Packages of An-Idin and 21 Packages of Andre Stainless Iodine. Default decree of condemnation and destruction. (F. & D. nos. 36144, 36145. Sample nos. 36551-B, 36552-B.)

False and fraudulent curative and therapeutic claims were made for these articles. The label of one of them bore an erroneous statement as to the weight of the contents of its container.

On August 22, 1935, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 packages of An-Idin and 23 packages of Andre Stainless Iodine at Burlington, Vt., alleging that the articles had been shipped in interstate commerce on or about March 8, 1935, and June 17, 1935, by the Hygienic Supply Co., from Loudonville, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

The An-Idin was labeled in part: (Jar) "Sciatica Enlarged Glands Rheumatism * * * Skin Diseases * * * Etc."; (carton) "For the Relief of Pain * * * Rheumatism Lumbago * * * Arthritis Neuritis Sciatica Etc."; (circular) "Relieves Pain—Reduces Swelling. * * * Myalgia and Neuralgia are relieved promptly and positively. Pain lessens and ceases with rubbing of An-Idin over the affected part. Sciatica—Marked improvement is shown by the first inunction. Lumbago * * * Rheumatism—Rapid relief is